

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**ALICE KRAMER, as Personal Representative
of the Estate of Arthur Kramer,**

Plaintiff,

—against—

**LOCKWOOD PENSION SERVICES, INC.,
ET AL.,**

Defendants.

**Civil Action No.:
08 CV 2429 DAB-MHD**

NOTICE OF MOTION

PLEASE TAKE NOTICE that, based upon the accompanying memorandum of law, Defendant Lincoln Life & Annuity Co. of New York (“Lincoln”) will move this Court before the Honorable Deborah A. Batts, at the Courthouse for the Southern District of New York, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing Plaintiff’s claims in the Amended Complaint against Lincoln with prejudice.

Dated: New York, New York
June 3, 2008

DRINKER BIDDLE & REATH LLP

/s/ Katherine L. Villanueva
Katherine L. Villanueva (KH 5283)
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New York, NY 10005
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OF COUNSEL

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One Logan Square

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For Defendant Lincoln Life & Annuity Co.
of New York

CERTIFICATE OF SERVICE

I, Katherine L. Villanueva, hereby certify that on the date set forth below, I electronically filed the Notice of Motion, using the CM/ECF system, which will send notification of such filings to CM/ECF participants.

I also hereby certify that on the date set forth below, I submitted courtesy copies of the aforementioned, marked as courtesy copies, by overnight Federal Express to the following:

The Honorable Deborah A. Batts, USDJ
United States Courthouse
500 Pearl St., Room 2510
New York, NY 10007
(two copies)

The Honorable Michael H. Dolinger, USMJ
United States Courthouse
500 Pearl St., Room 1670
New York, NY 10007
(one copy)

/s/ Katherine L. Villanueva
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Dated: June 3, 2008